

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>AMENDMENTS TO 312 IAC 1</b>	)	<b>Administrative Cause</b>
<b>(DEFINITIONS); AND 312 IAC 2</b>	)	<b>Number: 06-082A</b>
<b>AND 312 IAC 8 (GOVERNING</b>	)	
<b>ACTIVITIES ON DNR PROPERTIES)</b>	)	<b>(LSA Document #06-333(F))</b>

**REPORT OF PUBLIC HEARING, ANALYSIS,  
AND RECOMMENDATION FOR FINAL ADOPTION**

**1. RULE PROCESSING**

The proposed amendments to the various property provisions are a product of the Department of Natural Resources (“DNR”) Properties Workgroup, a workgroup with representation from the DNR property divisions and the Division of Law Enforcement.

The Natural Resources Commission (“NRC”) gave preliminary adoption to the rule package on May 16, 2006.

On August 23, 2006, a “notice of intent” was published in the INDIANA REGISTER (20060823-IR-312 060333NIA) to adopt a rule that proposes numerous changes to rules governing conduct of activities on Department of Natural Resources (“DNR”) properties. The notice identified John Bergman, Assistant Director of the Division of State Parks and Reservoirs, as the “small business regulatory coordinator” for purposes of IC 4-22-2-28.1.

The proposed rule was submitted to the Office of Management and Budget on August 23, 2006. In a letter dated March 19, 2007, Charles E. Schalliol, Director, Office of Management and Budget, recommended that the proposed rule amendments be approved.

The NRC, Division of Hearings submitted the rule proposal to the Legislative Services Agency (“LSA”) along with the “Statement Concerning Rules Affecting Small Business” and the Notice of Public Hearing, including the statement of requirements or costs to regulated entities required by IC 4-22-2-24(d)(3), on March 19, 2007. On March 28, 2007, Notice of the public hearing and the text of the proposed rule were posted to the INDIANA REGISTER at 20070328-IR-312060333PRA. Notice of public hearing was published in the Indianapolis *Daily Star*, a newspaper of general circulation in Marion County, Indiana on March 23, 2007. A public hearing notice was also placed on the E-calendar of the NRC’s Web site.

In accordance with IC 4-22-2.1-5(c)(2), a copy of the proposed rule and the statement concerning rules affecting small business were submitted to the Indiana Economic Development Corporation (“IEDC”) on March 22, 2007. IEDC issued written comments on April 10, 2007 indicating, in part:

Although the proposed rule contains several provisions, the only provision that creates a potential direct impact for small businesses is the requirement that an annual boat lake permit and annual motorboat lake permit be obtained to operate or maintain a boat and a motorboat on a lake located in a DNR property. This requirement does not apply to a lake administered by the division of fish and wildlife. Entities affected by this provision include boat rental businesses outside of DNR properties that rent boats for use on DNR lakes. The DNR indicates that it is unlikely that more than thirty total entities would be affected. The impact statement provided by DNR indicates that businesses will likely incur some administrative costs as a result of compliance with the rule. These costs could include travel and postage costs incurred while obtaining the permit. The DNR does not anticipate these costs to be significant. Economic costs consist of the cost to purchase the boat lake permit. The DNR estimates that the annual fee increase statewide to small businesses will be approximately \$2,000.

The IEDC does not object to the economic impact associated with the proposed rule. The primary changes contained in the rule will have the effect of making DNR fees be assessed more uniformly to entities receiving similar benefit from the use of DNR properties.

The hearing officer responded to the IEDC comments on April 11, 2007. IEDC’s comments were made available for public inspection and copying in the office of the NRC, Division of Hearings, and posted to the NRC website at <http://www.in.gov/nrc/issue/> on April 11, 2007. Copies were also made available for inspection during the public hearing conducted on April 18, 2007.

## **2. REPORT OF PUBLIC HEARING**

The public hearing was convened as scheduled on April 18, 2007 in Conference Room 4, in the Indiana Government Center–South, Indianapolis, Indiana, to consider the proposed amendments to 312 IAC 1, 312 IAC 2, and 312 IAC 8. No one from the public appeared for the hearing.

**a) Public Hearing Comments**

No public comments were received with respect to the proposed rule during the public hearing.

**b) Comments Received Outside Public Hearing**

No public comments were received outside the public hearing.

**3. ANALYSIS AND RECOMMENDATION**

The definition of “boat”, “motorboat”, and “watercraft” are proposed to be added at 312 IAC 1-1-4.5, 312 IAC 1-1-23.5, and 312 IAC 1-1-29.4 respectively. Clarification is made that “boat” and “watercraft” are equivalent, and a definition of “motorboat” is also added.

Several amendments are made to 312 IAC 2-4-6, 312 IAC 2-4-7, and 312 IAC 2-4-12, governing fishing tournaments or other organized activity on DNR properties and lakes administered by the Division of State Parks and Reservoirs. The Division of State Parks and Reservoirs and the Division of Law Enforcement worked together to propose modifications to the fishing tournament rules. The proposed amendments would give the Department some flexibility with fishing tournaments and the number of tournaments requested in a given year. Several changes are proposed to the management of fishing tournaments. These changes are so that the rule mirrors practice, provides consistency between lakes located on and off of state property, complies with the new Lake Permit, and provides more opportunity to more groups. In addition, the application fee will help defray administrative processing costs.

312 IAC 8-2-6(d) is amended to reflect that a daily horse tag was reintroduced as an option for horse riders using DNR properties. For several years, only an annual tag was available. The daily tag is set at \$5 and the annual tag was raised in 2005 to \$20. The fiscal impact of adding a daily horse tag has shown to be positive for total horse tag sales. Creating a displayed daily tag to be shown on the horse would be costly to produce and implement. As a result, the requirement to display a horse tag would be eliminated. Receipts from the sale of either the annual or daily horse tag would serve as proof of purchase. The daily receipt or annual tag must be produced when requested by a DNR official.

An amendment to 312 IAC 8-2-8 requires an annual boat (motorboat) Lake Permit to operate or maintain a boat on all DNR property lakes, reservoirs and state park lakes, except for lakes on Fish and Wildlife Areas. The DNR established the Lake Permit beginning in 2006. The Lake Permit replaces the Boat

Launch Permit, which was not effective because many boats launched from “free ramps”. Use of a Lake Permit promotes better clarity for enforcement and achieves better consistency among DNR properties, as well as generating additional income.

The current property rules authorize only electric trolling motors on lakes that are less than 300 acres. A new subsection (g) at 312 IAC 8-2-8 is added as a safety measure to allow the use of outboard motors at an idle speed on the three large lakes on Blue Grass FWA. Although less than 300 acres, these lakes are long and narrow, and when the weather is windy, it is difficult for fishermen to return to the boat launching ramp using only an electric trolling motor.

The proposed addition of 312 IAC 8-2-16 would require property users to check in daily at a self-service check-station before entering the Goose Pond Fish and Wildlife Area. At present, only hunters are required to check in. Goose Pond is a recent acquisition, and because of the amount and diversity of interests in using this unique property, the Division of Fish and Wildlife wishes to track the trends in property use to provide information for future developments and programs.

It is recommended that amendments to 312 IAC 1, 312 IAC 2, and 312 IAC 8 as attached in the Appendix be given final adoption.

Dated: April 20, 2007

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Hearing Officer  
Jennifer M. Kane

## APPENDIX

### TITLE 312 NATURAL RESOURCES COMMISSION

**Final Rule**  
LSA Document #06-333(F)

#### DIGEST

Amends 312 IAC 2-4-6, 312 IAC 2-4-7, 312 IAC 2-4-12, 312 IAC 8-2-6, and 312 IAC 8-2-8 and adds 312 IAC 1-1-4.5, 312 IAC 1-1-23.5, 312 IAC 1-1-29.4, and 312 IAC 8-2-16 to make numerous changes to rules governing the conduct of activities on DNR properties and the conduct of fishing tournaments and other organized boating activities, both on DNR properties and on public waters outside DNR properties, to clarify that the terms “boat” and “watercraft” are equivalent and to define the term “motorboat” for rules of the Natural Resources Commission, to establish a nonrefundable license application fee for organized activities and tournaments, to expand the ability to secure approval for a fishing tournament beyond the next calendar year from lakes managed by the division of state parks and reservoirs to all designated public waters, but an applicant must additionally demonstrate that the tournament would have national significance, to increase the maximum number of boats that can lawfully participate for some lakes administered by the division of state parks and reservoirs, to disqualify a person who has outstanding fees for a tournament conducted on a lake managed by the division of state parks and reservoirs from participating in an organizational meeting for a tournament approval on any designated public waters, to establish a user for the number of boats and to eliminate for the number of contestants for a tournament on a lake administered by the division of state parks and reservoirs, to establish a requirement that an annual boat lake permit and annual motorboat lake permit be obtained to operate or maintain a boat and a motorboat on a lake located in a DNR property, except for a lake administered by the division of fish and wildlife, to authorize motorboat operation on designated lakes in the Blue Grass Fish and Wildlife Area, at not more than idle speed, with other than an electric trolling motor, to eliminate the requirement for display of a horse tag at Brown County and Versailles State Parks and at Salamonie Reservoir, but a horse tag or receipt must be possessed for each horse, to require a permit card for a person to enter Goose Pond Fish and Wildlife Area in Greene County, and to make numerous other substantive and technical changes. Effective 30 days after filing with the Publisher.

**312 IAC 1-1-4.5; 312 IAC 1-1-23.5; 312 IAC 1-1-29.4; 312 IAC 2-4-6; 312 IAC 2-4-7; 312 IAC 2-4-12; 312 IAC 8-2-6; 312 IAC 8-2-8; 312 IAC 8-2-16**

SECTION 1. 312 IAC 1-1-4.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 1-1-4.5 "Boat" defined**  
**Authority:** IC 14-10-2-4  
**Affected:** IC 14; IC 25

**Sec. 4.5. "Boat" means a watercraft.** (*Natural Resources Commission; 312 IAC 1-1-4.5*)

SECTION 2. 312 IAC 1-1-23.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 1-1-23.5 "Motorboat" defined**  
**Authority:** IC 14-10-2-4  
**Affected:** IC 14-8-2-202.5; IC 25

**Sec. 23.5. (a) "Motorboat" means a watercraft propelled by:**  
**(1) an internal combustion, steam, or electrical inboard or outboard motor or engine; or**  
**(2) any mechanical means.**

**(b) The term includes the following:**  
**(1) A sailboat that is equipped with a motor or an engine described in subsection (a) when the motor or engine is in operation, whether or not a sail is hoisted.**

**(2) A personal watercraft as defined in IC 14-8-2-202.5.**

*(Natural Resources Commission; 312 IAC 1-1-23.5)*

SECTION 3. 312 IAC 1-1-29.4 IS ADDED TO READ AS FOLLOWS:

**312 IAC 1-1-29.4 "Watercraft" defined**

**Authority: IC 14-10-2-4**

**Affected: IC 14; IC 25**

**Sec. 29.4. "Watercraft" means any instrumentality or device in or by means of which a person may be transported upon the public water of Indiana. The term includes a motorboat, sailboat, rowboat, skiff, dinghy, or canoe:**

**(1) of any length or size; and**

**(2) whether or not used to carry passengers for hire.**

*(Natural Resources Commission; 312 IAC 1-1-29.4)*

SECTION 4. 312 IAC 2-4-6 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 2-4-6 License application**

**Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-15-7-3**

**Affected: IC 14**

Sec. 6. (a) An application for a license to conduct a fishing tournament or other organized activity must be completed on a department form at least sixty (60) days before the date of the proposed tournament.

(b) An applicant must be an individual who is:

**(1) at least eighteen (18) years of age; and**

**(2) a resident of Indiana.**

(c) The applicant shall attach a copy of the proposed standards and regulations governing the activity.

(d) The department shall condition any license to achieve at least one (1) of the following:

(1) Prevention of unusual conditions or hazards.

(2) Promotion of scientific fish, wildlife, or botanical resource management.

(3) Assistance in the protection of users.

(e) To accomplish the purposes described in subsection (d), the department may do any of the following:

(1) Designate **the following:**

**(A)** The starting time or ending time for an activity.

~~(2) Designate~~ **(B)** The time and location for the use of any public facilities.

~~(3)~~ **(2)** Spread starting times among license holders if more than one (1) is approved for a particular waterway.

~~(4)~~ **(3)** Restrict portions of the waterway from use by the participants.

**(f) The department may require a nonrefundable application fee with the application. The amount of the fee shall be established by the director within a range of fees for this purpose approved by the commission.** *(Natural Resources Commission; 312 IAC 2-4-6; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3319, eff Oct 1, 2003; filed Mar 18, 2005, 11:00 a.m.: 28 IR 2348, eff Oct 1, 2005)*

SECTION 5. 312 IAC 2-4-7 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 2-4-7 Advance date approval**

**Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-15-7-3**

**Affected: IC 14**

## AGENDA ITEM #11

Sec. 7. (a) The department ~~will~~ **shall** conduct an organizational meeting ~~or meetings~~ between October 1 and ~~December~~ **November** 15 to establish dates for the following year on which fishing tournaments or other organized activities can be conducted.

**(b) In addition to the establishment of dates under subsection (a), the department may establish a date for a tournament beyond the following year if a person presents satisfactory evidence that a tournament would have national significance.**

~~(b)~~ **(c)** A person who receives a reserved date must submit a completed license application within thirty (30) days of notification and at least sixty (60) days before the scheduled event, whichever is earlier. Failure to submit a timely completed application releases the reservation.

**(d) A person is disqualified from participating in an organizational meeting unless any outstanding fee or cost established in section 12 of this rule has been paid.** (*Natural Resources Commission; 312 IAC 2-4-7; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3931, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3319, eff Oct 1, 2003*)

SECTION 6. 312 IAC 2-4-12 IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 2-4-12 Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs**

**Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-15-7-3**

**Affected: IC 5-14-3; IC 14**

Sec. 12. (a) This section governs fishing tournaments at lakes administered by the division of state parks and reservoirs.

(b) The number of ~~watercraft~~ **boats** that may participate in a fishing tournament must not, on any date, exceed the following:

	Monroe	Salamonie	Mississinewa	Huntington	Brookville	Hardy	Patoka	Lieber	Raccoon
March	100	75	75	18	100	30	178	50	100
April	175	75	75	18	100	30	178	50	60
May	175	75	<del>64</del> <b>75</b>	30	100	20	178	28	50
June	175	30	30	30	75	20	125	28	50
July	175	30	30	30	75	20	125	28	50
August	175	30	30	30	75	20	125	28	50
September	175	75	75	30	100	20	178	28	60
October	175	75	75	18	100	30	178	50	100
November	100	<del>0</del> <b>75</b>	<del>0</del> <b>75</b>	<del>0</del> <b>18</b>	100	30	178	<del>0</del> <b>50</b>	<del>0</del> <b>100</b>

(c) A ~~watercraft~~ **boat** used to administer a tournament is excluded in determining the number of participating ~~watercraft~~ **boats**.

(d) The director may authorize a license for a fishing tournament under this section where the participants are not provided advance notice of the location. The name of the lake may be omitted from the license application, but the department must be provided with the name of the lake at least ten (10) days before the tournament. A license issued under this subsection does not authorize a fishing tournament that conflicts with another license issued under this section. Subject to IC 5-14-3, the department will not publish the location of a fishing tournament issued under this subsection.

~~(e) Notwithstanding section 7(a) of this rule, the department's division of state parks and reservoirs shall conduct an organizational meeting between October 1 and December 15 to establish dates for the following two (2) years on which fishing tournaments or other organized activities can be conducted.~~

## AGENDA ITEM #11

~~(f)~~ (e) Notwithstanding subsection (b), ~~no more than one hundred (100) watercraft may participate in a fishing tournament on Monroe Lake, on any date after from October 15 through the end of February, is restricted to a maximum of one hundred (100) participating boats.~~

~~(g)~~ (f) At least thirty (30) days before the scheduled event, a license holder must file a certificate of insurance or an insurance binder with the department. The certificate of insurance or insurance binder shall name the license holder and the department as insureds and shall demonstrate the license holder has obtained an irrevocable general liability insurance policy with a limitation for each of the following of not less than:

- (1) One hundred thousand dollars (\$100,000) for all damages to property for a single occurrence.
- (2) One hundred thousand dollars (\$100,000) for injury or death of one (1) person in a single occurrence.
- (3) Three hundred thousand dollars (\$300,000) for injury to or death of multiple persons in a single occurrence.

~~(h)~~ At least fourteen (14) days before the scheduled event, a license holder must deliver each of the following to the department:

~~(i)~~ (g) Attached to the application for each property, the applicant must deliver a cash bond or other security approved by the department in the amount of one hundred fifty dollars (\$150). ~~to compensate the department for expenses incurred to:~~ Bond may be forfeited for any of the following reasons:

(1) Failure to:

(A) pay the user fee within the prescribed time frame; or

(B) cancel the event within thirty (30) days from the date the application was submitted.

~~(A) restore~~ (2) Restoration of the mooring judge's or spectators' area. ~~and~~

~~(B) (3) Reimburse to the department for the costs~~ cost of supervision, maintenance, and labor.

~~(2) A user fee equal to the number of individual contestants in a fishing tournament or other organized activity at a rate of one dollar (\$1) per contestant or participant.~~

(4) To collect any other unpaid fees or costs that are due, including expenses incurred in the collection of the unpaid fees.

(h) Within fourteen (14) days after a tournament, the license holder must provide to the department a user fee equal to the greater of:

(1) eighty percent (80%) of the number of boats listed on the license; or

(2) the number of boats participating in the tournament.

If the user fee under this subsection is greater than the amount of the bond, the organization is also responsible for the difference.

(i) The amount of the fee shall be established by the director within a range of fees for this purpose approved by the commission. The director may waive the user fee if the:

(1) tournament is held for charity where all of the profits are given to that charity; and

(2) waiver request is:

(A) made in writing; and

(B) submitted with the application.

~~(j)~~ (j) The director may require insurance in addition to what is set forth in subsection ~~(a)~~ (f) if the director determines a fishing tournament poses an unusual risk of liability to the department.

~~(k)~~ (k) A license holder shall:

(1) indemnify;

(2) defend;

(3) exculpate; and

(4) hold harmless;

the department and its officials, employees, and agents from liability due to loss, damage, injury, or other casualty to the person or property of anyone arising directly or indirectly from the activity.

(l) The department may deny or revoke a license under this section if any fee or cost provided under this section is delinquent. If an applicant subsequently satisfies any delinquencies, the person is eligible to



**apply for a new license.** (*Natural Resources Commission; 312 IAC 2-4-12; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3932, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3320, eff Oct 1, 2003; filed Jan 5, 2005, 11:00 a.m.: 28 IR 1460*)

SECTION 7. 312 IAC 8-2-6 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 8-2-6 Animals brought to DNR properties**

**Authority:** IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1

**Affected:** IC 14; IC 35-46-3-11.5

Sec. 6. (a) A person who possesses a pet or service animal must:

(1) keep the animal caged or on a leash ~~no~~ **not** more than six (6) feet long; ~~A person must and~~

(2) attend ~~to a pet or service~~ **the** animal at all times.

This subsection does not apply to activities governed by section 3(e) of this rule.

(b) If a pet or service animal appears likely to:

(1) endanger a person or property; or ~~to~~

(2) create a nuisance;

the owner may be required to immediately remove the pet or service animal from a DNR property.

(c) A person must not take or possess a cat, a dog, or other pet to a:

(1) swimming beach;

(2) swimming pool enclosure;

(3) rental facility; or

(4) public building.

A service animal used by a person with a disability is exempted from this subsection.

(d) A **person must acquire an annual or daily** horse tag ~~must be acquired and possessed; or receipt~~ for each horse that is brought into ~~a designated DNR properties~~ **property** from April 1 through November 30. ~~At Brown County and Versailles State Parks and at Salamonie, The horse tag or pass receipt must be: prominently displayed on the left side of the bridle.~~

(1) **kept in the person's immediate possession; and**

(2) **provided to an authorized representative upon request.**

(e) A person must not **do the following:**

(1) Allow livestock or domesticated animals to enter or remain upon a DNR property. These animals may be removed by the department and disposed or held at the owner's expense.

~~(f) A person must not~~ (2) Release an animal on DNR property except under license issued by an authorized representative under this ~~subsection.~~ **subdivision.** To receive a license, a person must demonstrate the animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this ~~subsection~~ **subdivision** shall reimburse the department for any expenses reasonably incurred.

~~(g) (f)~~ For purposes of this section, a pet is not a service animal under IC 35-46-3-11.5. (*Natural Resources Commission; 312 IAC 8-2-6; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; filed Sep 19, 2003, 8:14 a.m.: 27 IR 457; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315*)

SECTION 8. 312 IAC 8-2-8 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 8-2-8 Vehicles, trails, boats, and aircraft**

**Authority:** IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1

**Affected:** IC 14-19-1-0.5; IC 14-22-11-1

Sec. 8. (a) A person must not operate a vehicle:

(1) at a speed greater than:

- (A) thirty (30) miles per hour on straight, open stretches of road; or
- (B) fifteen (15) miles per hour on steep grades **or** curves or where posted; or
- (2) other than on a public road.

(b) A person must not park:

- (1) a vehicle;
- (2) ~~watercraft~~; **a boat**; or
- (3) associated equipment;

except at a site designated by the department.

(c) A person must not operate a motorized cart on a DNR property except as follows:

(1) The person must demonstrate both of the following:

(A) The person holds a valid driver's license.

(B) The person: ~~is either of the following:~~

- (i) **is** at least sixty-five (65) years of age that is evidenced by the valid driver's license; **or**
- (ii) has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.

(2) A person must not operate a motorized cart other than within a campground.

(3) A motorized cart must, ~~meet the following lighting requirements~~ if operated between the hours of sunset and sunrise, **have a lamp on the:**

(A) ~~Have a lamp on the~~ front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; **and**

(B) ~~Have a lamp on the~~ rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.

(4) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.

(5) As used in this subsection, "campground" means an area where provisions are made for the accommodation of any of the following:

(A) Tents.

(B) Recreational vehicles.

(C) Vacation mobile homes.

(6) As used in this subsection, "motorized cart" has the meaning set forth in IC 14-19-1-0.5.

(d) A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:

- (1) hike;
- (2) bike;
- (3) ski;
- (4) horseback ride; or
- (5) operate an off-road vehicle or snowmobile;

except on a trail designated for the purpose. A person must not ride, lead, drive, or hitch an animal, except where designated by the department.

~~(e) A person must not operate or maintain a watercraft on a lake:~~

~~(1) containing fewer than three hundred (300) acres unless powered only by an electric trolling motor with not more than:~~

~~(A) two (2) 12-volt batteries; or~~

~~(B) one (1) 24-volt battery;~~

~~(2) except under motor horsepower and speed zone requirements applicable to the lake; and~~

~~(3) for fourteen (14) consecutive days without removal from the lake unless otherwise moored in a designated area.~~

~~(f)~~ (e) A person must not launch, dock, or moor a ~~watercraft or another floating device~~; **boat**, except:

- (1) for approved periods; and
- (2) at sites designated by the department for those purposes.

**(f)** A person must not:

- (1) leave a ~~watercraft~~ **boat** unattended in a courtesy dock provided by the department; or
- (2) moor a ~~watercraft~~ **boat** at a designated group dock or mooring post unless the ~~watercraft~~ **boat** exhibits a valid mooring permit.

**(g)** A person must not operate or maintain a boat on a lake unless the person does each of the following:

- (1) Operates the boat according to any horsepower or speed restrictions applicable to the lake.
- (2) Except as provided in subdivisions (3) and (6), obtains and displays a valid annual boat lake permit as follows:
  - (A) Purchase from the department a boat lake permit under a fee schedule approved by the commission.
  - (B) Affix the permit in a visible location on the forward half of the boat.
- (3) Except as provided in subdivision (6), for a motorboat, obtains and displays a valid annual motorboat lake permit as follows:
  - (A) Purchase from the department a motorboat lake permit under a fee scheduled approved by the commission.
  - (B) Affix the permit in a visible location on the port (left) side immediately following the excise tax decal or registration number.
- (4) For a lake containing fewer than three hundred (300) acres, operates a motorboat only if the motorboat is either of the following:
  - (A) Powered by an electric trolling motor with not more than:
    - (i) two (2) 12-volt batteries; or
    - (ii) one (1) 24-volt battery.
  - (B) Operated on Loon Lake, Otter Lake, or Blue Grass Pit in the Blue Grass Fish and Wildlife Area at not greater than idle speed.
- (5) Removes a boat from the lake before the expiration of fourteen (14) consecutive days, unless the boat is moored in an area where the department has approved mooring for a longer duration.
- (6) A lake located on a DNR property administered by the division of fish and wildlife is exempted from subdivisions (2) and (3).

~~(g)~~ **(h)** A person must not leave a vehicle, ~~watercraft~~, **boat**, or associated equipment at a DNR property unless the person is actively engaged in the use of:

- (1) a DNR property; or
- (2) an adjacent:
  - (A) public freshwater lake; or
  - (B) navigable waterway.

~~(h)~~ **(i)** A person must not land, taxi, take-off, park, or moor:

- (1) an aircraft;
- (2) a hang glider;
- (3) an ultralite;
- (4) a powered model aircraft; or
- (5) a hot air balloon;

except at a site designated for that purpose or pursuant to a license. (*Natural Resources Commission; 312 IAC 8-2-8; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 555, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 463, eff Jan 1, 2006; filed Jun 9, 2006, 3:40 p.m.: 20060705-IR-312050344FRA*)

SECTION 9. 312 IAC 8-2-16 IS ADDED TO READ AS FOLLOWS:

**312 IAC 8-2-16 Goose Pond Fish and Wildlife Area entry**

**Authority:** IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1

**Affected:** IC 14; IC 35-46-3-11.5

## **AGENDA ITEM #11**

**Sec. 16. (a) A person must obtain a permit card from the check-in station before entering Goose Pond Fish and Wildlife Area in Greene County.**

**(b) The person must do the following:**

**(1) Retain the permit card while in the field for the authorized date.**

**(2) As directed, return the permit card to the department.**

*(Natural Resources Commission; 312 IAC 8-2-16)*